IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL

ORIGINAL JURISDICTION

Dated: Nainital the 5th day of September 2003

Bail Application No. 772/2003

CRIMINAL SIDE

Taufeeq S/o Tehsin Mistri
R/o Rampur Chungi, Oriental Bank ke peechey
P.S. Gang Nehar Roorkee,
Distt.Haridwar. ...Applicant.

Versus

State of Uttaranchal ….Opposite party.

Arising out of case crime No. 84 of 2003.
Under section 363, 366-A, 376 IPC
P.S. Gang Nehar Roorkee
District – Haridwar.

By the court

Hon'ble Irshad Hussain, J.

Heard Sri Rajendra Singh, learned counsel for the applicant and learned A.G.A.

Perused the F.I.R., statement U/s 161 of the Code of Criminal Procedure of the prosecutrix. She was more than 17 years old as per the medical evidence. The medical evidence is negative as far as the allegation of rape is concerned. She was recovered from a public place i.e. bus stand while she was allegedly been taken to Muzaffarpur. Considering the circumstances, the submission of learned counsel for the applicant-accused that she is a consenting party cannot easily be displaced. Considering these aspects the bail application is allowed.

The applicant-accused Taufeeq shall be released in crime No. 84/2003 under sections 363,366-A,376 IPC P.S. Gang Nehar Roorkee District Haridwar on his executing personal bond and two sureties each in like amount to the satisfaction of A.C.J.M. Roorkee.

(Irshad Hussain, J.)

Dated 5-9-2003
ISB